

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

KELLY MICHAEL VELAYAS,

Plaintiff,

v.

STATE OF MARYLAND, et al.,

Defendants.

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1:23-CV-0493-RP

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Susan Hightower concerning Plaintiff's Complaint, (Dkt. 1). (R. & R., Dkt. 5). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Hightower issued her report and recommendation on May 30, 2023. (*Id.*). In her report and recommendation, Judge Hightower recommends that the Court dismiss Plaintiff's cause of action pursuant to 28 U.S.C. § 1915(e)(2)(b). (*Id.* at 10). Plaintiff filed objections to the report and recommendation. (Dkts. 7, 8).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiff timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so, the Court overrules Plaintiff's objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Susan Hightower, (Dkt. 5), is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's case is **DISMISSED**.

SIGNED on June 27, 2023.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE